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EXAMINER

JARRETT, SCOTT L

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/846,625

Applicant(s)

FISHMAN, ADAM

Examiner

Scott L. Jarrett

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-5 and 13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result.

Regarding Claims 1-5 and 13, Claims 1-5 and 13 only recite an abstract idea. The recited method for initiating communication between at least one seller and at least

Art Unit: 3623

one buyer does not apply, involve, or use the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. The claimed invention, as a whole, is not within the technological art as explained above claims 1-5 and 13 are deemed to be directed to non-statutory subject matter.

As to technological arts recited in the preamble, mere recitation in the preamble (i.e., intended or field of use) or mere implication of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter to an otherwise abstract idea unless there is positive recitation in the claim as a whole to breathe life and meaning into the preamble.

Mere intended or nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-11 and 13 are rejected under 35 U.S.C. 102(a) as being anticipated by Deja.com as evidenced by Deja.com web pages (1999-2000).

Regarding Claims 1, 6 and 13 Deja.com teaches a method and system for initiating communication between a plurality of users (i.e. at least one seller of goods and/or services and at least one consumer) through a system (agent, software, module, logic, program, etc.; User Tour, Pages 27-36). More generally Deja.com teaches a precision buying system ("Precision Buying Service"; Pages 42-43) "that provides users with a complete set of tools and resources for determining what product to buy and where to buy them." (Paragraph 2, Page 42).

More specifically Deja.com teaches a precision buying system wherein users interactively share a plurality of information, including but not limited to ratings, scores, reviews, comments, discussions, links to merchant sites, buying guides, and the like, regarding a plurality of categories, items, topics, etc. (people, places, products, services, etc.). Deja.com further teaches that the precision buying system links consumers to merchants sites (e.g. enabling consumers to further research or purchase items) and provides merchants (sellers) with valuable insights and market polling/survey

Art Unit: 3623

information regarding consumers opinions, satisfaction, etc. as well as similar information on competitors ("If you're looking for the best place on the Web to find information about products and services, meet new people and get advice, and even buy new and used wares, you've just found it", Page 27; Advertise with Us!, Pages 40-41; Figure 1 as shown below).

Deja.com teaches that the precision buying system comprises:

- providing an opportunity for commenting on a subject ("Rate it!", Figure 1 below; Page 13);
- making the opportunity to comment on a subject available to the consumers (www.deja.com, Page 1; Figure 2 as shown below);
- receiving a comment from at least one commenting consumer (reviews, discussions, forums; Figure 1 below; User Reviews Ratings Help, Pages 15-18);
- recording (capturing) a means for communicating with the commenting consumer (e.g. anyone can contact a reviewer/rater of an item by simply sending them an email; "<click to e-mail>"; Figure 1 below; FAQ: Will other people see my email address if I rate something?, Page 8; "Find discussions about", Page 20);
- providing at least one seller the access to the communicating means to communicate with the commenting consumer ("shopped used", Figure 1 below; "Easy Shopping", Page 1; "Linkback system", Page 14; "Advertise with us!", Pages 40-41).

deja.com

Before you buy

Check out the new VH1.com

Home » Home & Family » Appliances: Household

>> Vacuum Cleaners

Rate it!

Electrolux Guardian

In Vacuum Cleaners (1 motor, 500watt)

Cleaning Power 1 2 3 4 5

Features 1 2 3 4 5

Noise Level 1 2 3 4 5

Cost / Benefit 1 2 3 4 5

Submit

Compare it to others

User Reviews

Add this rating to your own Web site

top rated Vacuum Cleaners

5

1. Electrolux Guardian
2. Electrolux Epic Series
3. Facioni Marmitta LCD4
4. Miele White Pearl
5. Facioni Tronset
See the full list

Deja Forums
Add new subject
Home categories
Home categories
History
Military history

Deja Communities
Start your own community in Vacuum Cleaners

My deja
Get more out of Deja:
Rating: to easily manage

ratings discussions communities

Electrolux Guardian

Average scores based on 62 ratings

Add this product to my Deja Ratings list.

Criteria	Average	0	1	2	3	4	5
Cleaning Power	4.5						
Features	4.4						
Noise Level	4.3						
Cost / Benefit	4.2						
Overall	4.4						

Shop Listed

View all Vacuum Cleaners ratings

Find discussions about Electrolux Guardian

Sorted by Helpfulness

Reviews 1-10 of 12

Marie, from TX
Jan 23, 2000

✓ 25 yr warranty a joke
Electrolux does not stand behind their warranty! There are so many limitations. 3 months after purchasing, I had a problem, that they would not help me with! The 25 year warranty is a scam! I am VERY unhappy. After spending that kind of money, I was very disappointed that they would not stand behind their product. Not to mention the fact, that I was definitely not that impressed with the results I got from it. Big mistake in purchasing, if you are thinking about it, I would definitely say DONT SO IT!

2 people have found this review helpful

2.0

Drew <click-to-email>, from Austin, TX
Jan 28, 2000

✓ Real machines
I don't know much about the guardian, but I do know Electrolux will back their 25 year warranty. I know because I have one from the '50s that still runs perfectly, and was repaired under warranty up until 1979 or so. This company has been around for 80 years, so I wouldn't be worried about "where will Electrolux be in 25 years?". My dad has a tank model from the '20s that still works great. Even the original leather case is in perfect shape!

1 person has found this review helpful

4.5

Roger Anderson <http://web.archive.org/web/20000130195822/http://www.deja.com/mailto:xp2a@cruisinn@netzero.net&p=Electrolux%20Guardian&routing=reviewer>, from Eugene, OR
Jan 16, 2000

I find this review helpful

2.8

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Twin Energy Vacuum

Explore More:

Search for Jobs
JobOutings

Sign up for Brody's free Online shopping service

Enter to win a \$10,000 Sears.com Shopping Spree

FREE Movie Tickets! When you list a car!

Deja.com is Hiring! Click here for info

Figure 1: Product Ratings Page, Page 37

Art Unit: 3623

deja.com
Before you buy

618,378 USER RATINGS OF 18,158 PRODUCTS IN 667 CATEGORIES

Dream On
Dreamcast games' graphics have more depth than most actors. Our users' top choices: *Soul Calibur* and *NFL 2000*.

REVIEW OF THE DAY
Canon Elura
Reviewer: Sean Johnson, Los Angeles, CA
Individual Rating: 5.0
Comment: "Best bang for your buck ... has seen a lot of abuse and is still going strong ... buy ... the extended batteries ... the standard batteries don't last as long"
See all Canon Elura ratings and reviews

Consumer Electronics
Go, Go Gadget!
Goin' overseas? See what users think of the *Franklin Euro Interpreter W2*. Need a best friend? Try the *Sony AIBO Robot Puppy*. Our users rate and review those gadgets and more.

Arts & Entertainment
Reviewing Reagan
Biographer Edmund Morris examines the former prez in his book *Dutch: A Memoir of Ronald Reagan*. See how Deja.com users rate this and other biographies, including *Hemingway: The Final Years*.

Computing & Tech
Be Clear
Get a *laser printer* that prints clearer than blue sky. Before you buy a printer, make sure you get the one Deja.com users choose as the best: the *HP Laserjet 2100 Series*, the *Qidata ChiPage Series* or the *Kyocera FS Series*.

Travel
America the Beautiful
You don't have to go overseas for vacation. Plan a trip to the top-rated *US cities* on Deja.com, including *Boston, MA*, *Las Vegas, NV*, and *New Orleans, LA*.

Can you help?
Appraising Books
Lisa Lake writes: "If anyone could lend a hand, I just inherited a whole lot of old books and I've got no idea what's what ... what's valuable and so on. Is there a place online that lists values for certain books?"
Give Lisa some advice! Read all the advice

QUICK SEARCH
products
discussions
Search
Power Search
Search Tip

SPONSORS
JobOptions
Career Center

Find any book, video, CD
SHOP AMAZON.COM!

Online Shopping
Yax BrandsForLess.com

Search for Jobs!
JobOptions

Computer & Tech Jobs
Upgrade your Career!

eBay Auctions
Buy, Buy and Sell at eBay!

InfoSpace
The Ultimate Directory

TOP RATINGS
Espresso Makers
1. *Starbucks Barista*
2. *Garca Baby*
3. *Kona Home 2000 Plus*
more

Pop CDs
1. *Blondie: No Exit*
2. *Sarah McLachlan: Mirrors*
3. *Barenaked Ladies: Stunt*
more

NEW ITEMS TO RATE
Cop & Winery Video
Destinations in Iran
Shi Rock: Men
Beta: Adjustable
College Cornerbacks

Help | User Tour | My Deja

DEJA.COM FOR YOU

My Deja
Get more out of Deja.com.
Register

Easy Shopping
We've added links to leading online merchants to make it easy to buy the products you find on Deja.com. Find out more.

Deja Tracker
Get email alerts about new posts in your favorite discussions.

What's New
Welcome to the new Deja.com. Click here for a description of all our great new features.

User Tour
Check out all the new features on Deja.com.

Figure 2: deja.com Home Page, Page 1

Regarding Claim 2 Deja.com teaches a precision buying system wherein the opportunity to comment is based on at least one voting category (Figures 1 and 2 as shown above) whereby the comments can range from voting from at least one category nominee to opinions on the voting nominees (User Reviews Ratings Help, Pages 15-18;

Product Tour, Pages 27-36; "Rate it!", "5 top rated Vacuum Cleaners", Figure 1 above; "Using the Featured Ratings Toolbar", Page 13).

Regarding Claim 3 Deja.com teaches a precision buying system wherein the system is available over a global network (i.e. Internet; www.deja.com, Page 1; Figure 2 as show above).

Regarding Claims 4 and 8 Deja.com teaches a precision buying system wherein users can create additional categories (e.g. users can create new communities and discussions on virtually any topic; "Create New Communities", Pages 23-26; "Product Category Ratings Help"; Pages 11-14; "What's the difference between Ratings, Discussions and Communities?", Page 7; FAQ: "What do I do if the product I want to rate is not on the list? How can I add one?", Page 9; "New Items to Rate", Figure 2 as shown above).

Regarding Claims 5 and 9 Deja.com teaches a precision buying system wherein users can create new discussions and communities on virtually any topic as discussed above. Deja.com further teaches that users can add items (products) not currently in the precision buying system (FAQ: "What do I do if the product I want to rate is not on the list? How can I add one?", Page 9; "New Items to Rate", Figure 2 as shown above).

Art Unit: 3623

Regarding Claim 7 and 11 Deja.com teaches a precision buying system wherein the commenting section is configured for market polling (survey, questionnaire, etc.) and further comprises a results section for displaying the results of the market poll ("top Ratings", "Review of the Day", Figure 2 as shown above; "Average scores based on 62 ratings "; Figure 1 as shown above; Ratings Help, Page 5; Product Category Ratings Help, Pages 11-14).

Regarding Claim 10 Deja.com teaches a precision buying system further comprising an electronic link between at least one business named in one of the voting categories or as one of the voting nominees and at least one electronic address for the business on the Internet (global computer network; "Easy Shopping", Page 1; Shop Used, Figure 1 above; "Create a custom link to this ratings category from your own web site."; Page 11; Shop New/Shop Used/Buy At, Page 12).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deja.com as evidenced by as applied to claims 1-11 and 13 above, and further in view of official notice.

Regarding Claim 12 Deja.com teaches a precision buying system comprising a means for recording information on voting consumers (users) and a compilation means for allowing users to view voting/rating results as discussed above. More generally Deja.com teaches that users can establish like-minded communities wherein users with similar interest can share a plurality of information (e.g. item reviews, discussions, etc; Product Tour, Pages 27-36). Deja.com further teaches that users can personalize the Deja.com site (My Deja; Figure 2 as shown above; Pages 44-46) by providing demographic and other profile information (Pages 16 and 25).

Deja.com further teaches that the precision buying system enables advertisers (sellers) to target particular groups of users (Advertise with Us!, Pages 40-41 and 47) and that sellers received detailed reports (online reports; performance, click through, etc.).

While Deja.com enables users to sort product reviews/discussions ("Sort By" pull-down menu, Figure 1 as shown above) Deja.com does not expressly teach enabling a person to compile (sort) a vote according to the voting consumers demographics.

Official notice is taken that it is well known in the art to collect and analyze a plurality of information regarding users (voter) who did or did not participate in a particular vote. For example, leading up to, during and after a presidential election a plurality of research (polls, surveys, etc.) is conducted and reported on wherein the voting research provides a detailed breakdown of who (age, location, race, sex, political part, special interest, beliefs, etc.) voted for whom; this information providing insight into the candidates appeal (success) within each of a plurality of segments within the population.

Another example is the utilization of technologies by Internet merchants where users (consumers) are tracked (demographics, usage patterns, purchase patterns, etc.) and recommendations are made to other users based on the tracked information (e.g. people who bought this item also liked/bought this item). This process is often implemented using collaborative filtering technology; collaborative filtering is defined as a system and/or method of making automatic predictions (filtering) about the interests of a user by collecting taste information from many users (collaborating). For example, a collaborative filtering or recommender system for music tastes could make predictions

Art Unit: 3623

about which music a user should like given a partial list of that user's tastes (likes or dislikes).

It would have been obvious to one skilled in the art at the time of the invention that the precision buying system, with its ability to collect demographic information, target marketing information, develop user-specific communities and sort item reviews/ratings, as taught by Deja.com would have benefited from enabling users to view (sort) item ratings (reviews, votes, etc.) by the demographic and/or other profile information on the voting consumers (raters, reviewers) enabling users to view votes (ratings) of consumers with similar profiles (demographics) as their own thereby providing additional insight into their decision making process.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Klingman, Edwin, U.S. Patent No. 5,950,172, teaches a method and system that enables users to rate (CyberScores) a plurality of categories of products, services and the like. Klingman further teaches that the user information generated provides sellers valuable feedback regarding the product or service and that the system enables users to initiate communications with sellers in order to purchase the product or service they are interested in.

- Jacobi et al., U.S. Patent 6,064,980, teaches a system and method for generating user product or service recommendations. Jacobi et al. teach that the system utilizes collaborative filtering technologies and product/service categories (automatically created based on user ratings) to more efficiently collect ratings data.

- Peckover, Douglas, U.S. Patent No. 6,119,101, teaches the utilization of intelligent agents in creating virtual marketplaces wherein consumers and sellers communicate regarding the purchase of products and services.

- Geller et al., U.S. Patent No. 6,236,990, teach a system and method for ranking items (products, services, etc.) based on user preferences. Geller et al. further teach that the system categories items into categories by way of a product catalog wherein experts provide a plurality of information regarding products in each of the categories and further wherein users may order a product/service from the merchant.

Art Unit: 3623

Geller et al. further teach that the system enables users to rank products based on a plurality of personally weighted preferences.

- Ng, David Way, U.S. Patent No. 6,405,175, teaches a system and method for aggregating a plurality of product/service information including but not limited to product/service ratings, comments, reviews, votes on the reviews, and the like. Ng further teaches that software agents can be used as part of the system.

- Suzuki, Roy Satoshi, U.S. Patent No. 6,826,596, teaches a discussion group and bulletin board method and system wherein users can communicate regarding a plurality of topics (categories, products, services, etc.) and that such systems are applicable for public polling.

- Jacoby et al., U.S. Patent Publication No. 2001/0034639, teach a system and method enabling users to communicate regarding a plurality of topics (items, categories) wherein the system matches aggregated user information to a specific user's profile (demographics, etc.) in order to enable users view the information/results from people like themselves. Jacoby et al. further teach the availability of a plurality of similar systems and methods including but not limited to Cnet.com, Dejac.com and CareData.com.

- Berghofer et al., U.S. Patent Publication No. 2003/0149612, teach recommendation system wherein user-to-user recommendations are provided. Berghofer et al. teach that the recommendation system enables users to rate items (products, services, etc.) and that the system utilizes collaborative filtering

Art Unit: 3623

(demographics, user profile) to enable users to view item ratings/reviews from users with similar profiles.

- Rebane, George, U.S. Patent Publication No. 2003/0130983, teaches a system and method for evaluating the performance of businesses on the Internet (merchants) wherein users provide a plurality of information (surveys, polls, feedback, etc.) regarding the performance (quality, timeliness, etc.) of online merchants. Rebane further teaches that the business performance evaluation system further collections consumer demographics and that the information collected enables users to better understand their own online performance and their competition's online performance (customer satisfaction).

- Benderev, Theodore, U.S. Patent Publication No. 2004/0133463, teaches an online survey system and method that enables users (sellers) to collect a plurality of information from consumers (surveys, polls, opinions, satisfaction, etc.). Benderev further teaches that the online survey system captures a plurality of consumer information including demographic information.

- Kuehl, Claudia, New World of Web reviews, teaches a plurality of commercially available online buying guides and communities that enable users (sellers and consumers) to communicate. Kuehl further teach that these systems include but are not limited to Epinions.com, Comparenet.com, BizRate.com, Productopia.com, ShopServe.com, mySimon.com, Deja.com and ConsumerDemocracy.com.

- Terveen, Loren et al., PHOAKS: A System for Sharing Recommendations teaches a system and method (People Helping One Another Know Stuff) that enables

Art Unit: 3623

users to initiate and sustain communications regarding a plurality of items in a plurality of categories. Terveen further teaches that the PHOAKS system utilizes collaborative filtering wherein a plurality of information is recognized, tallied and redistributed in the form of recommendations.

- BizRate.com web pages teaches a commercially available system (BizRate Guide) that enables users to identify "quality" merchants based on product categories, consumer ratings, reviews, feedback, and the like while simultaneously providing valuable information and insight to merchants enabling them to better serve their customers.

- Productopia.com web pages teaches a system and method for consumers to obtain product advice, opinions, etc. from both experts and consumers.

Productopia.com further teaches that the system helps consumers what to buy and where to buy it.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (703) 306-5679. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SJ
4/12/2005



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600